

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF BRIAN CAMMILE       §     No. 33, 2010  
FOR A WRIT OF MANDAMUS           §

Submitted: February 3, 2010  
Decided:    March 30, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 30<sup>th</sup> day of March 2010, having considered the petition for a writ of mandamus filed by Brian I. Cammile and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) By order dated January 28, 2010, the Superior Court summarily dismissed Cammile's petition for a writ of habeas corpus. Cammile filed an appeal from that decision.<sup>1</sup>

(2) Cammile seeks a writ of mandamus to compel the Superior Court to conduct an evidentiary hearing on his recently dismissed habeas corpus petition. Cammile has not demonstrated that the Superior Court failed or refused to perform a duty owed to him.<sup>2</sup> Also, Cammile may not use the extraordinary writ process as an alternative form of appellate review.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> See docket at 7, *Cammile v. State*, Del. Supr., No. 89, 2010 (establishing brief schedule).

<sup>2</sup> *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

<sup>3</sup> *Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).